

The American Mobile Telecommunications Association, Inc. (“AMTA” or “Association”) respectfully submits its Reply Comments in response to the Public Notice requesting comment on the Supplemental Comments of the Consensus Parties (“Supplemental Comments”).¹ The Association is a signatory to the Supplemental Comments and considers the “Consensus Plan” the most viable proposal presented for addressing on an organized, cohesive basis an 800 MHz interference problem described by public safety representatives as intolerable.

AMTA’s endorsement of the Consensus Plan is premised on the understanding that 800 MHz incumbents will remain “whole” after its implementation, **such** that they will lose neither channels nor capacity as a result of rebanding. While the Association believes that the comments filed in response to the Supplemental Comments for the most part do not present substantive challenges to that assumption, AMTA urges the Commission to resolve the technical concerns raised by Motorola, Inc. regarding the adequacy of the Plan’s post-realignment interference protection criteria.

AMTA also wishes to clarify its position that the proposed Appendix F criteria represent a codification of interference protection rights that currently are available to licensees rather than a delineation of new or improved rights as indicated in the Reply Comments of the Consensus Parties being filed today. AMTA fully supports the effort to codify these protection criteria, as long as the standards adopted are appropriately protective as determined by the Commission and are consistent with the protection to which licensees already are entitled.

¹Wireless Telecommunications Bureau Seeks Comment on “Supplemental Comments of the Consensus Parties” Filed in the 800 MHz Public Safety Interference Proceeding, *Public Notice*, DA 03-19 (rel. Jan. 3, 2003). The comment and reply comment dates subsequently were extended until February 10, 2003 and February 25, 2003 respectively; *see Order Extending Time for Filing of Comments*, WT Docket No. 02-55, DA 03-163 (rel. Jan. 16, 2003).

I. THE FCC MUST ESTABLISH REASONABLE PROTECTION CRITERIA FOR THE POST-REBANDED 800 MHz ENVIRONMENT.

This proceeding, at its core, is one that raises complex technical issues that require expert technical evaluation. The Association's initial filing in response to the Commission's Notice of Proposed Rule Making recommended that the FCC itself needed to resolve broadly divergent opinions among respected experts as to the cause, scope and optimal remedy for the public safety-CMRS interference problem.² In the Association's opinion, the Commission will need to undertake this same responsibility in respect to the Consensus Plan proposal for addressing post-rebanding interference issues.

²*Notice of Proposed Rule Making*, WT Docket No. 02-55, 17 FCC Rcd 4873 (2002); *see* AMTA Comments dated May 6, 2002.

The Supplemental Comments included Appendix F, Policies and Procedures for Post-Realignment Interference Mitigation, which proposed to define the intermodulation, out-of-band-emission (OOBE) and other non-co-channel interference protection to which incumbents would be entitled after the 800 MHz realignment process has been completed. AMTA agrees it will be useful to have these parameters codified in the FCC's rules to facilitate the resolution of what the Association anticipates will be a relatively minimal number of post-rebanding interference situations. The lack of defined protection criteria, other than co-channel protection, undoubtedly has contributed to the very difficult interference situation that has developed in this band. While AMTA, like other commenters in this proceeding, does not believe that the absence of defined measurement criteria means that protection is not available to a party receiving such interference, to the extent those standards can be codified it should simplify the resolution process.³ Thus, AMTA supports adoption of an appropriately framed Appendix F, not on the basis that it will provide new rights but because it will permit Commission and industry resources to be put to more productive use.

AMTA appreciates that a number of highly qualified engineers representing various segments of the 800 MHz user community devoted significant effort to developing the standards set out in Appendix F. To the extent that the result of applying the Appendix F criteria guarantees no less protection than the Commission would provide on an *ad hoc* basis, there undoubtedly is a benefit to having defined, objective parameters by which future interference situations can be analyzed.

³See, e.g., Access Spectrum, LLC Comments dated February 10, 2003, pp. 12-13; UTC Comments dated May 6, 2002, pp. 15-21.

Nonetheless, the Association, and it assumes the Commission, must give serious consideration to the concerns detailed in the Comments filed by Motorola on this subject. As the FCC is aware, Motorola is one of the leading equipment suppliers to the land mobile community. It provides equipment for each segment of the 800 MHz incumbent user base, including public safety entities, business and industrial/land transportation licensees, non-cellularized SMR systems, and Nextel Communications, Inc. It unquestionably has substantial expertise and experience in the deployment and operation of 800 MHz systems.

For that reason, AMTA is deeply concerned by Motorola's conclusion that "...these [Appendix F] proposed criteria would require public safety and private licensees operating in the 851-859 MHz band to increase their signal level by approximately 8 to 11 dB from current levels to retain the right to interference protection."⁴ Its assessment that achieving the proposed signal levels could require licensees "...to construct a considerable number of additional transmit sites to their existing systems to obtain interference protection, particularly at the outer areas of their current coverage," also is troubling.⁵ Moreover, the Plan proposes that AMTA's members and other non-public safety incumbents on the "new NPSPAC" channels 1-120 will be relocated first to the "guard band" between 859-861 MHz in which progressively greater signal strength thresholds will define any right to protection. As noted by Motorola, "...systems located in the guard band would be required to achieve significant increases in signal strength to obtain protection."⁶ Its comments do not quantify the number of additional sites or the increased power that would be required to reach

⁴Motorola Comments at p. 11.

⁵*Id.*

⁶*Id.* n. 22.

those levels, or the reduction in coverage should a licensee be unable to do so, but presumably they would be substantial.

Because the Consensus Plan is premised on ensuring that incumbents remain whole after rebanding, the experts that developed the Appendix F standards presumably cannot agree with Motorola's technical evaluation. AMTA is confident that the Plan would not recommend a result that would either reduce what Motorola seemingly characterizes as a typical coverage area for systems in this band or maintain it only by requiring substantial additional system build-out.

The Association appreciates that substantially less interference is expected in the post-rebanding environment. Dividing the band into two discrete segments will eliminate the current interleaving and provide Nextel with greater flexibility in its channel deployment plan, both of which are expected to have a substantial ameliorative impact on interference. However, Appendix F assumes that some amount of interference, albeit significantly reduced, must be anticipated. Since that is the case, it is imperative that the Commission reconcile the apparently divergent views on this key technical issue. Relocated incumbents, indeed all 800 MHz incumbents, must be entitled to an economically and operationally achievable quality of service at an acceptable level. AMTA recognizes that prospective interference parameters properly must recognize the reality of an increasingly congested, "noisy" RF environment. Nonetheless, existing and future noise-limited systems operating in close spectral proximity to interference-limited systems remain entitled to a reasonable level of interference-free operation as defined by the Commission.

II. CONCLUSION

The 800 MHz band once again is "frozen." This freeze is due not to an affirmative FCC decision, but to the inherent chilling effect of a proceeding such as this in which the basic structure

of the band, as well as the technical and operational rules applicable to it, are under consideration.

AMTA urges the Commission to complete this proceeding as expeditiously as possible so that all 800 MHz incumbents and prospective licensees have the necessary regulatory certainty to proceed with implementation of their communications plans.